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ANIMAL LAW

A Selected Bibliography and Research Guide

INTRODUCTION

Animal law is defined as the set of legal rules that govern human interactions with nonhuman animals. This encompasses everything from the treatment of pet dogs to circus elephants to wild bison. The earliest animal laws viewed animals as property, things to possess and use. Animal laws were largely based on the notion of how humans are injured through activities that involve animals, not on harm to the animals themselves. Today, animals are still regarded as property. They have no legal standing of their own. This is becoming a controversial area of the law, with many activists trying to establish the intrinsic rights of animals themselves, without regard to their interaction with humans. Change has come slowly, and most animal laws and court decisions regarding animals are still based on the concept of animals as property.

ANIMAL PROTECTION LAWS

Most animal protection laws exist at the state and local level. "...it is only within the last half of the twentieth century that the U.S. Congress has taken an active role in establishing standards for animal protection, having formerly relied on the states' anticruelty statutes to do the job on the rare occasions when lawmakers believed there was a job that needed doing... The rise of animal protection laws in the United States over the last several decades is mainly a response by legislators to the heightened concerns of Americans about animal welfare, especially that of their pet dogs and cats." Jordan Curnutt, *Animals and the Law: A Sourcebook* (2001) (KF390.5.A5 C87 2001 - Third Floor).

ANIMAL WELFARE VS. ANIMAL RIGHTS

"Animal welfare advocates argue for stronger laws preventing cruelty and requiring humane treatment. The American Society for the Prevention of Cruelty to Animals is committed to this basic approach. By contrast, animal rights advocates oppose any and all human "use" of animals. They invoke the Kantian idea that human beings should be treated as ends, not means- but they extend the idea to animals, so as to challenge a wide range of current practices. These include the use of animals in rodeos, circuses, zoos, agriculture, hunting, and scientific experimentation. People for the Ethical Treatment of Animals and the Humane Society of the United States are committed to this basic approach." *Animal Rights: Current Debates and New Directions* (Cass R. Sunstein & Martha C. Nussbaum, eds., 2004) (HV4708.A56 2004 - Third Floor).

FEDERAL AND STATE LAWS & REGULATIONS

Federal Agencies

- U.S. Department of Agriculture - Animal and Plant Health Inspection Service
<http://www.aphis.usda.gov/>
- U.S. Department of Interior - Fish and Wildlife Service
<http://www.fws.gov/>

Federal Statutes & Regulations

- Title 7 of the United States Code (Agriculture)
- Title 7 of the Code of Federal Regulations (Agriculture)
- Title 9 of the Code of Federal Regulations (Animals and Animal Products)
- Title 50 of the Code of Federal Regulations (Wildlife and Fisheries)
- Animal Welfare Act of 1970, Pub. L. No. 91-579, 84 Stat. 1560. (Codified at 7 U.S.C. §§ 2131-2159)
- Endangered Species Act of 1973, Pub. L. No. 93-205, 87 Stat. 884. (Codified at 16 U.S.C. §§ 1531-1544)
- Humane Methods of Slaughter Act of 1978, Pub. L. No. 95-445, 92 Stat. 1069. (Codified at 7 U.S.C. § 601)
- Marine Mammal Protection Act of 1972, Pub. L. No. 92-522, 86 Stat. 1027. (Codified at 16 U.S.C. §§ 1361-1423h)

Significant Federal Cases

- *Sierra Club v. Morton*, 405 U.S. 727 (1972).
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).
- *Humane Society of the United States v. Hodel*, 840 F.2d 45 (D.C. Cir. 1988).
- *Animal Legal Defense Fund v. Glickman*, 943 F.Supp. 54 (D. D.C. 1996).

Washington State Agencies

- Washington State Department of Agriculture
<http://agr.wa.gov/>
- Washington State Department of Fish and Wildlife
<http://wdfw.wa.gov/>

Washington State Statutes & Regulations

- Title 16 of the Revised Code of Washington (Animals and Livestock)
- Title 16 of the Washington Administrative Code (Department of Agriculture)
- Title 220 of the Washington Administrative Code (Department of Fish and Wildlife - Fisheries)
- Title 232 of the Washington Administrative Code (Department of Fish and Wildlife - Wildlife)

Spokane City & County Codes

- Chapter 10.03 of the Spokane Municipal Code (Regulation of Activities)
- Title 5 of the Spokane County Code (Animals)

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- *Applied Ethics in Animal Research: Philosophy, Regulation, and Laboratory Applications* (John P. Gluck, Tony DiPasquale & F. Barbara Orlans, eds., 2002). (HV4915.A66 2002 - Third Floor)
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- Ted Benton, *Natural Relations: Ecology, Animal Rights, and Social Justice* (1993). (JC571.B465 1993 - Third Floor)
- Mark H. Bernstein, *On Moral Considerability: An Essay on Who Morally Matters* (1998). (BJ1012.B47 1998 - Third Floor)
- Mark H. Bernstein, *Without a Tear: Our Tragic Relationship with Animals* (2004). (HV4708.B47 2004 - Third Floor)
- Larry Carbone, *What Animals Want: Expertise and Advocacy in Laboratory Animal Welfare Policy* (2004). (HV4915 .C37 2004 - Third Floor)
- Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (1992). HV4708.C38 1992 - Third Floor)
- Paola Cavalieri, *The Animal Question: Why Non-Human Animals Deserve Human Rights* (2002). (HV4708.C4313 2002 - Third Floor)
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- Gary L. Francione, *Animals, Property, and the Law* (1995). (KF3841.F73 1995 - Third Floor)
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- Gary L. Francione, *Rain Without Thunder: The Ideology of the Animal Rights Movement* (1996). (HV4764.F73 1996 - Third Floor)
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- Helena Silverstein, *Unleashing Rights: Law, Meaning, and the Animal Rights Movement* (1996). (HV4708.S555 1996 - Third Floor)
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- Tzachi Zamir, *Ethics and the Beast: A Speciesist Argument for Animal Liberation* (2007). (HV4708 .Z36 2007 - Third Floor)

ANIMAL LAW WEBSITES

Animal Rights and Animal Welfare

- Animal Concerns.org
<http://www.animalconcerns.org/>
- People for the Ethical Treatment of Animals (PETA)
<http://www.peta.org/>

- Humane Society of the United States
<http://www.hsus.org/>
- American Society for the Prevention of Cruelty to Animals
<http://www.aspca.org/>
- Moral Status of Animals
<http://ethics.sandiego.edu/Applied/Animals/index.asp>

Animal Law

- Animal Law.com
<http://www.animallaw.com/index.cfm>
- Michigan State University College of Law: Animal Legal and Historical Web Center
<http://www.animallaw.info/>
- Center for Animal Law - Lewis & Clark Law School
http://www.lclark.edu/law/centers/animal_law_studies/
- Megalaw.com Animal Rights and Pet Law
<http://www.megalaw.com/top/animal.php>
- National Association of Biomedical Research
<http://www.nabranimallaw.org/>
- Center for Animals and Public Policy
<http://www.tufts.edu/vet/cfa/index.html>
- Animal Legal Defense Fund
<http://aldf.org/>